

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT TO IDAHO CRIMINAL )  
RULES, Appendix A )

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ORDER

The Court, having received a recommendation to amend the Guilty Plea Advisory form, found in Appendix A of the Idaho Criminal Rules, and being fully informed as to the recommendation:

NOW, THEREFORE, IT IS ORDERED that the Guilty Plea Advisory form, found in APPENDIX A of the Idaho Criminal Rules, be amended as follows:

\* \* \*

18. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement:

- a. I understand that my plea agreement is a non-binding plea agreement. This means that the Court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence. The Court is not bound by the agreement; if the District Court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. I understand I do not have the right to withdraw my guilty plea if the Court chooses not to follow the agreement. \_\_\_\_\_
  
- b. I understand that my plea agreement is a binding plea agreement. This means that I will not be allowed to withdraw my plea of guilty and proceed to a jury trial. \_\_\_\_\_

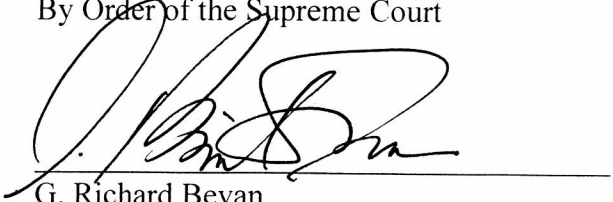
\* \* \*

IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately, and shall remain in effect until further order of this Court.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that, as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 27<sup>th</sup> day of January 2023.

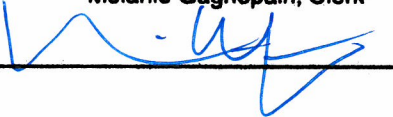
By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:   
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 1-30-23  
Melanie Gagnepain, Clerk

By  Deputy